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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,675	03/07/2002	Jeremiah E. Halley	38190.234783	3821
826	7590	10/04/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EDMONDSON, LYNNE RENEE	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,675	HALLEY ET AL. S.C.	
	Examiner	Art Unit	
	Lynne Edmondson	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 33 is/are pending in the application.
- 4a) Of the above claim(s) ~~1-18 and 33~~ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7/19/04</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7-10, 15, 16, 18 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger et al. (USPN 5470524).

Krueger teaches a method of constructing a preform comprising the steps of determining the dimensions of the assembly, positioning the members and linear friction welding the members to form an elongate weld such that material waste and machining time are reduced (col 2 lines 26-42). The friction welding step comprises moving the members toward each other and applying pressure to form the joint as is conventional. At least one member is subjected to heat treatment prior to bonding (col 5 lines 31-37). At least three members are joined (figure 2). See also Krueger claims 1-4.

3. Claims 1-3, 5, 8-10, 12, 13, 15, 18 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (USPN 6219916 B1).

Walker teaches a method of constructing a preform comprising the steps of determining the dimensions of the assembly, positioning the members and linear friction welding the members to form an elongate weld such that material waste and machining time are reduced (col 4 line 62 – col 5 line 38 and col 8 lines 9-18). The friction welding step comprises moving the members toward each other and applying pressure to form the joint as is conventional. A relief groove (170) is formed between contact surfaces (figure 8). At least three members are joined (figure 4 and col 3 lines 16-50). See also Walker claims 1-3 and 5-7.

4. Claims 1-4, 8-12, 15, 18 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Brownell et al. (USPN 6524072 B1).

Brownell teaches a method of constructing a preform comprising the steps of determining the dimensions of the assembly, positioning the members and linear friction welding the members to form an elongate weld such that material waste and machining time are reduced (col 1 line 61 – col 2 line 9). The friction welding step comprises moving the members toward each other and applying pressure to form the joint as is conventional. The moving step comprises moving the members in opposing directions (col 3 lines 23-61 and col 6 lines 1-7). At least three members are joined (figure 9).

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5. Claims 1,2, 6, 8, 9, 14, 17 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Norris et al. (USPN 6669447 B2).

Norris teaches a method of constructing a preform comprising the steps of determining the dimensions of the assembly, positioning the members and linear friction welding the members to form an elongate weld such that material waste and machining time are reduced. Parts are subjected to heat treatment after bonding (col 5 lines 1-4 and col 6 lines 45-50). The friction welding step comprises moving the members toward each other and applying pressure to form the joint as is conventional. Parts are cleaned prior to bonding (col 2 lines 30 and 31).

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collot et al. (USPN 5551623), Gillbanks et al. (USPN 5366344), Trask et al. (USPN 5865364), Slattery (USPN 6779708 B2) and Amos et al. (USPN 6022194).

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne Edmondson
Primary Examiner
Art Unit 1725

LRE

LYNNE R. EDMONDSON
PRIMARY EXAMINER

CRB
9/24/04